

**REMARKS**

Claims 1-13, 15 and 16 are pending in this application. By this Amendment, claim 8 is amended solely to incorporate the 'substantially transverse movement' feature of claim 14, and claim 14 is cancelled without prejudice to or disclaimer of the subject matter contained therein. No new matter has been added and, as discussed below, no new issues are raised by the Amendment. Reconsideration of the application is respectfully requested.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration since the amendments merely place a feature from a dependent claim into its independent claim; (c) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. In particular, independent claim 8 was amended solely to incorporate the 'substantially transverse movement' feature of the movable part, which was previously recited in claim 14 and discussed during the May 25, 2004 personal interview. Entry of the amendments is thus respectfully requested.

Claims 8-11 are rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,625,356 to Ticknor et al. (hereinafter "Ticknor"). The rejection is respectfully traversed for at least the reasons discussed below.

As agreed during the May 25, 2004 personal interview, Ticknor fails to disclose transverse movement of the movable platform 605. For at least these reasons, Applicants submit that Ticknor fails to disclose the combination of features recited in amended claim 8, including, *inter alia*, a method for fabricating a micro-optical device having an aligned waveguide switch, comprising forming at least one stop block that limits movement of the

movable part to align at least one of the waveguides of the movable part with at least one of the waveguides of the stationary input and output parts, wherein movement of the movable part is substantially transverse. For at least these reasons, Applicants submit that Ticknor fails to disclose all the features of claim 8, as well as all the features of claims 9-11, which depend from claim 8. It is respectfully requested that the rejection be withdrawn.

Claims 1-7 and 12-16 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 4,859,022 to Opdahl et al. (hereinafter "Opdahl"). Claim 14 has been cancelled, however, the features of previously filed claim 14 are now incorporated into claim 8. The rejection of the claims is respectfully traversed for at least the reasons discussed below.

Pages 5 and 7 of the Office Action state that Opdahl optical fibers 500, 600, 501, 601 correspond to waveguides, as recited in claims 1 and 8. Applicants respectfully submit that the optical fibers 500, 600, 501, 601 of Opdahl do not correspond to waveguides. Opdahl discloses an optical switch with which input optical signals, carried on input optical fibers, are selectively transmitted to an output optical fiber in a binary relationship (Abstract). The optical fibers 500, 600, 501, 601 are cemented in place in the V-grooves 86, 87, 89, 91 of the bases 82, 88 and different segments of the optical fibers overlap other segments of the optical fibers on the V-block 93 (Figs. 3a, 3b; col. 11, lines 29-39).

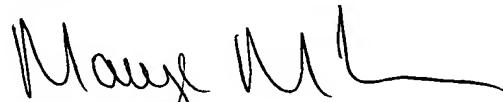
It is known in the art that a waveguide is generally formed of a dielectric, such as, silica SiO<sub>2</sub>, silicon ribs, silica/polymer combination and/or other optical polymers (col. 8, lines 12-33 of Ticknor). Further, it is known that micro-optical structures, such as devices employing waveguides, require very different considerations and processes than the switching apparatus disclosed in Opdahl. Thus, Applicants submit that one of ordinary skill in the art would not be motivated by the disclosure of Opdahl to provide the micro-optical device or a method for fabricating a micro-optical device with all the features recited in claims 1 and 8. For at least these reasons, Applicants submit that Opdahl fails to disclose or suggest all the

features of claims 1 and 8, as well as all the features of claims 2-7, 12, 13, 15 and 16, which depend from one of claims 1 and 8. It is respectfully requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of all pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. O'Neill  
Registration No. 27,075

Maryam M. Ipakchi  
Registration No. 51,835

JAO:MMI/ccs

Date: September 28, 2004

**OLIFF & BERRIDGE, PLC**  
P.O. Box 19928  
Alexandria, Virginia 22320  
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE  
AUTHORIZATION  
Please grant any extension  
necessary for entry;  
Charge any fee due to our  
Deposit Account No. 24-0037